

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

M.D. RICHARD ARJUN KAUL, *et al.*,

Plaintiffs,

-v-

INTERCONTINENTAL EXCHANGE, *et al.*

Defendants.

21-CV-6992 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Plaintiff Richard Arjun Kaul moves for summary judgment on all claims. (Dkt. No. 3). Plaintiff's motion is denied, as defendants have not yet appeared. Although Federal Rule of Civil Procedure 56(b) permits "a motion for summary judgment to be filed at the commencement of an action, in many cases the motion will be premature until the nonmovant has had time to file a responsive pleading or other pretrial proceedings have been had." *Helios Int'l S.A.R.L. v. Cantamessa USA Inc.*, 23 F. Supp. 3d 173, 188-89 (S.D.N.Y. 2014) (quoting Fed. R. Civ. P. 56 Advisory Committee's Notes to 2010 Amendment). Further, "courts routinely deny motions for summary judgment as premature when discovery over relevant matters is incomplete." *Toussie v. Allstate Ins. Co.*, 213 F. Supp. 3d 444, 445 (E.D.N.Y. 2016) (collecting cases). Plaintiff raises

several claims likely to turn on the facts, and defendants have not filed a responsive pleading. Nor have the parties had the opportunity to conduct any discovery.

Accordingly, plaintiff's motion for summary judgment is denied without prejudice to renewal at a later stage of the litigation.

The Clerk of Court is directed to close the motion at Docket Number 3.

The Clerk of Court is directed to mail a copy of this Order to the *pro se* plaintiffs in this matter.

SO ORDERED.

Dated: September 2, 2019  
New York, New York

  
\_\_\_\_\_  
J. PAUL OETKEN  
United States District Judge